



"Your Local Telephone Company"

RECEIVED

OCT 2 2000

FCC MAIL ROOM

September 29, 2000

BY OVERNIGHT DELIVERY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Joint Application of NorthPoint Communications, Inc. and Verizon
Communications for Authority Pursuant to Section 214 of the
Communications Act of 1934, as Amended, to Transfer Control of Blanket
Authorization to Provide Domestic Intrastate Telecommunications
Services as a Non-Dominant Carrier, CC Docket No. 00-157*

Dear Ms. Salas:

Enclosed for submission are an original and four copies of the Comments of
Cavalier Telephone, LLC in this matter.

Please contact me at 804.422.4517 if you have any questions.

Respectfully submitted,

Stephen T. Perkins
General Counsel

Enclosures (as stated)

No. of Copies rec'd 074
List ABCDE

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

OCT 2 2000

FCC MAIL ROOM

In the Matter of)
)
Joint Application of NorthPoint)
Communications, Inc., and Verizon)
Communications for Authority Pursuant to)
Section 214 of the Communications Act of 1934,) CC Docket No. 00-157
As Amended, to Transfer Control of Blanket)
Authorization to Provide Domestic Interstate)
Telecommunications Services as a)
Non-Dominant Carrier)

COMMENTS OF CAVALIER TELEPHONE, LLC

Pursuant to the Commission's September 1, 2000, Public Notice,¹ Cavalier Telephone, LLC ("Cavalier") submits the following comments on the joint application for consent to transfer control ("the Application") filed with the Federal Communications Commission ("the Commission") on August 25, 2000 by Northpoint Communications, Inc. ("Northpoint") and Verizon Communications ("Verizon"). Cavalier is a competitive local exchange carrier that provides residential and business customers with plain old telephone service ("POTS"), as well as other telecommunications services such as Internet access, Internet caller identification, talking caller identification, and digital subscriber line ("DSL") services. Cavalier competes head-to-head with Verizon in central and eastern Virginia and has the scars to show for it.

Cavalier opposes the joint application filed by Verizon and Northpoint for two principal reasons. First, since August, 1999, Cavalier has sought to obtain reasonable terms from Verizon for digital loop costs and loop conditioning charges. Cavalier has faced a pattern of delay and

¹ Public Notice, *Commission Seeks Comment on Joint Application for Consent to Transfer Control Filed by Northpoint Communications, Inc. and Verizon Communications*, CC Docket No. 00-157, DA 00-2024 (released September 1, 2000).

obfuscation from Verizon in those attempts, which were complicated when Virginia's State Corporation Commission ("SCC") declined to arbitrate the matter under 47 U.S.C. § 252 as an interconnection dispute.² Cavalier still has no agreement with Verizon, and that fact has only injected uncertainty into Cavalier's ability to provide DSL service to residential and business customers in Virginia.

Second, from the outset of Cavalier's efforts to compete with Verizon, Verizon has employed discriminatory practices and delaying tactics that have severely hampered Cavalier's efforts to deploy DSL services. Those practices and tactics have included making loop data available to Verizon's own retail organization but not to Cavalier, providing better installation intervals to its own retail organization than to Cavalier, and blocking Cavalier from providing DSL services to a very high percentage of customers currently served by Verizon on an integrated digital loop carrier ("IDLC").³ Verizon's conduct has left Cavalier facing a multitude of obstacles in its efforts to provide DSL service to residential and business customers in Virginia.

Cavalier's experience in trying to work with Verizon as a wholesale provider of DSL loops has therefore been one of frustration, delay, and repeated barriers to entry. Because of this experience, Cavalier wholeheartedly opposes any action that would allow Verizon to swallow up one of the handful of DSL entrants who is surviving the punishing process of trying to provide DSL services in areas where Verizon is the incumbent local exchange carrier. Allowing Verizon to profit from a 55% interest in Northpoint merely removes one more competitor from the marketplace, diminishing the level of competition in telecommunications services and providing

² See June 15, 2000 Order in *Cavalier Telephone, LLC v. Bell Atlantic-Virginia, Inc.*, Virginia SCC Case No. PUC990191, available at <http://www.state.va.us/scc>.

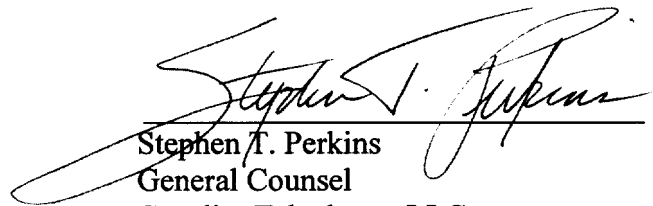
³ Cavalier provided details about this conduct in its October 18, 1999 and January 5, 2000 filings in its complaint against Verizon, Virginia SCC Case No. PUC990191.

consumers with just one less choice in addition to the incumbent monopoly provider, Verizon. Such a result is flatly anticompetitive—it harms consumers, it harms competitors, and it is contrary to the public interest in developing a competitive market in telecommunications services.

For the reasons stated above, Cavalier respectfully requests that the Commission deny the joint application filed on August 25, 2000 by Northpoint Communications, Inc. and Verizon Communications.

Respectfully submitted,

CAVALIER TELEPHONE, LLC

A handwritten signature in black ink, appearing to read "Stephen T. Perkins", is written over a horizontal line.

Stephen T. Perkins
General Counsel
Cavalier Telephone, LLC
2134 West Laburnum Avenue
Richmond, Virginia 23227
804.422.4517 (telephone)
804.422.4599 (fax)
sperkins@cavtel.com

DATED: September 29, 2000.